

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE,
WESTERN DIVISION**

TOMEKA L. TAPER,

Plaintiff,

v.

No. _____

NICHOLAS EDWARD DUGGAN
and JACK KEY AUTO TRANSPORT,
INC. a/k/a RED LEASING, INC.,

Defendants.

PETITION FOR REMOVAL

COMES NOW Defendant Jack Key Auto Transport, Inc.,(hereafter "Jack Key"), by and through counsel of record, Shuttleworth Williams, PLLC, and pursuant to 28 U.S.C. § 1446(a) files this Petition for Removal, removing this cause to the United States District Court for the Western District of Tennessee, Western Division. This removal is expressly subject to and this Defendant specifically reserves and does not waive any affirmative defenses to the Plaintiff's Complaint. The grounds for this removal are as follows:

1. On or about June 6, 2014, the Plaintiff, Tomeka L. Taper commenced this civil action against Jack Key in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis where the case is currently pending under Docket No: CT-002508-14.

2. Defendant was served with a copy of the Complaint through its agent for service of process, Evilsizor Transportation Services, Morristown, Tennessee on or

about June 17, 2014. (A copy of the Complaint is attached as Exhibit "A" to this Petition in accordance with 28 U.S.C. § 1446(a)). No other pleadings or orders have been served on Jack Key in the pending state court action nor have any proceedings taken place in that Court.

3. This Petition is filed within thirty (30) days after Jack Key was served with a copy of the Complaint as required by the provisions of 28 U.S.C. § 1446(b).

4. The Complaint is based upon a tort alleged to have been committed by Jack Key in connection with a tractor trailer collision with an automobile.

5. Upon information and belief, the Plaintiff's will claim compensatory damages is in excess of \$75,000.00, exclusive of interest and costs, based upon the complaint filed by counsel for the Plaintiff.

6. The Plaintiff, Tomeka L. Taper is alleged to be a citizen of the State of Tennessee.

7. Defendant Jack Key is a corporation organized and existing under the laws of the State of Texas with its principal place of business located in Dallas, Texas.

8. Pursuant to the provisions of 28 U.S.C. §1332, this Court has original jurisdiction of this action in that the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, this action is removable under the provisions of 28 U.S.C. § 1441.

9. No properly joined and served Defendant shares common citizenship with the Plaintiff nor is any properly joined and served Defendant a citizen of the State of Tennessee.

10. Based upon reasonably diligent inquiry, Defendant Jack Key has determined that Defendant Nicholas Edward Duggan has not been served with a copy of the Summons or Complaint in this action. Accordingly, this Petition is not being filed jointly or with the consent of Defendant, Nicholas Edward Duggan

11. Simultaneously with the filing of this Petition for Removal, Jack Key is providing written notice of the filing of this Petition to the Clerk of the Circuit Court of Shelby County, Tennessee pursuant to the notice attached hereto as Exhibit "B."

12. Defendant Jack Key will file responsive pleadings in accordance with Rule 81(c) of the Federal Rules of Civil Procedure unless the time for such response is extended by this Court.

13. A Rule 7.1(a) disclosure statement is being filed contemporaneously with this Petition.

WHEREFORE, PREMISES CONSIDERED, the Defendant, Jack Key respectfully petitions this Honorable Court for removal of this action from the Circuit Court of Shelby County, Tennessee to the United States District Court for the Western District of Tennessee, Western Division, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

/s/ Robert A. Talley

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Attorneys for Jack Key Auto Transport, Inc.

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the above and foregoing document has been forwarded, via U.S. Mail, postage prepaid, this the 17th day of July, 2014 to:

Mark N.Geller
Nahon, Saharavich & Trotz, PLC
488 South Mendenhall
Memphis, TN, 38117

/s/ Robert A. Talley
ROBERT A. TALLEY